REMARKS

This Amendment is responsive to the final Office Action mailed on December 14, 2004. Claims 1, 3, 4, 6-9, 11-15, and 17 are amended. Claims 2 and 5 are cancelled. Claims 1, 3, 4, 6-9, 11-15, and 17 are pending.

The Examiner has indicated that claims 5 and 8 contain allowable subject matter.

The Examiner has objected to the drawings as failing to show the conditions being delivered to the receiver. Figure 3 is amended herein to show the conditions being delivered to the receiver at step 320, in accordance with the Examiner's suggestion. Withdrawal of the objection to the drawings is respectfully requested.

Claims 2, 4, and 6-8 are objected to as the phrase "said condition" lacks antecedent basis to the earlier recitation of "a condition of the receiver". Applicant submits that the phrase "said condition" finds adequate antecedent basis in the phrase "a condition of the receiver" set forth in claim 1, since there is no other recitation of a condition in the claims. However, for clarification and to advance the prosecution of the application, the claims are amended to specify "said condition of the receiver" where necessary as required by the Examiner. Withdrawal of the objection to the claims is respectfully requested.

Claims 1-4, 6, 7, 9, 11-15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over an article by Thrift entitled "Java Enabled Television", in view of Gong (US 6,047,377) and Ahmad (US 5,925,127).

Applicant respectfully traverses these rejections in view of the amended claims and the comments which follow.

Discussion of Amended Claims

Claim 1 is amended to include the subject matter of claim 2. Claim 2 is cancelled. Claim 3 is amended to depend from claim 1.

Claim 4 is amended into independent form by including the subject matter of claim 1 and

the allowable subject matter of claim 5. Claim 5 is cancelled. Claims 6 and 13 are amended to depend from claim 4.

Claim 8, which contains allowable subject matter, is amended into independent form by the inclusion of the subject matter of claim 1. Claims 7, 9, 11, 12, 14 and 15 are amended to depend from claim 8.

Claim 17 is amended to include the allowable subject matter of claim 8.

Accordingly, Applicant respectfully submits that claims 4, 6-9, 11-15, and 17 are in condition for immediate allowance, as each of these claims either contains allowable subject matter, or depends from a claim containing allowable subject matter.

Discussion of Rejection in View of Thrift, Gong, and Ahmad

The Examiner has rejected claim 2 as being unpatentable over Thrift in view of Gong and Ahmad. Claim 1 is amended herein to include the subject matter of claim 2.

The Examiner's rejects claims 2 and 3, stating: "Claims 2 and 3 are rejected wherein the 'condition indicates a conditional access state of the receiver' comprising an 'authorization state' wherein the condition locally defines to which receiver functions the software application is 'authorized' to perform." (Office Action, page 7, first paragraph). Applicant respectfully submits that the Examiner's rejection of claims 2 and 3 is incomprehensible. Further, there is no indication as to which portion of which reference the Examiner relies on in rejecting the particular subject matter of claim 2 or claim 3.

Claim 2 (now included in amended claim 1) specifies that the condition indicates a conditional access state of the receiver. As indicated in claim 3, the conditional access state may be one of a blackout state, a pay-per-view state, or an authorization state. As indicated, for example, in Applicant's specification at page 10, a blackout state may indicate whether a blackout of certain programs is in effect, a pay-per-view state may indicate whether a pay-per-view program been ordered, and an authorization state may indicate whether the receiver is authorized to process certain channels, such as premium channels. Accordingly, a conditional access state indicates which channels a receiver is authorized for in order for an application to run (i.e., to access a receiver

function). For example, if the condition of the receiver indicates that the receiver is not authorized for a pay-per-view channel, an application that instructs a user how to subscribe for that channel can be presented. However, if the receiver is authorized for this channel, this application cannot access the receiver function enabling display of this application.

Accordingly, a conditional access state of the receiver does not "locally define which receiver functions the software application is authorized to perform" as indicated by the Examiner. None of the cited references discloses any type of conditional access system, wherein a condition defines a conditional access state of a receiver.

Applicant respectfully submits that the Examiner has mischaracterized Applicant's claim language in this rejection. The claimed condition is a condition of the receiver under which access to a receiver function by the software application is permitted. The condition does not define which receiver functions the software application is authorized to perform, as indicated by the Examiner.

Applicant's arguments with respect to Thrift, Gong, and Ahmad were presented in detail in Applicant's August 18, 2004 Amendment in response to the previous Office Action, and are respectfully incorporated herein by reference.

Applicant respectfully submits that the present invention as set forth in amended claim 1 would not have been obvious to one skilled in the art in view of the combination of Thrift, Gong and Ahmad. As can be seen from the discussion in Applicant's August 18, 2004 Amendment, none of the cited references discloses a system which checks both for a permission and for a current condition of the receiver to match data defining a condition of the receiver under which the receiver function can be accessed (which is a dynamic condition), wherein the condition indicates a conditional access state of the receiver.

In particular, the combination of Thrift, Gong, and Ahmad does not disclose or remotely suggest receiving data at a receiver from a headend defining a condition of the receiver under which access to the receiver function by the software application is permitted, receiving information at the receiver from the headend defining a security policy for the software application which contains a set of permissions for the software application, determining if a security policy for the software application contains a permission for the software application to access the receiver function, and if

the permission is present, determining whether the condition of the receiver is met by data indicative of a current state of the receiver, as claimed by Applicant. In particular, none of the cited references discloses that the condition indicates a conditional access state of the receiver, such as a blackout state, a pay-per-view state, or an authorization state, as set forth in amended claim 1.

Applicant respectfully submits that the present invention as set forth in claim 1 would not have been obvious to one skilled in the art in view of the combination of Thrift, Gong, and Ahmad, or any of the other references of record.

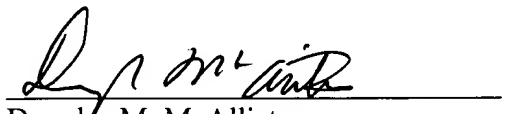
Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the above discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

In view of the above, the Examiner is respectfully requested to reconsider this application, allow each of the presently pending claims, and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



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Amendments to the Drawings

The attached drawing sheets include changes to Figure 3, and replaces the original drawing sheet for Figure 3. The change to the drawing is explained in detail below.

Attachments: Replacement Sheet for Figure 3; and
Annotated Sheet Showing Changes to Figure 3

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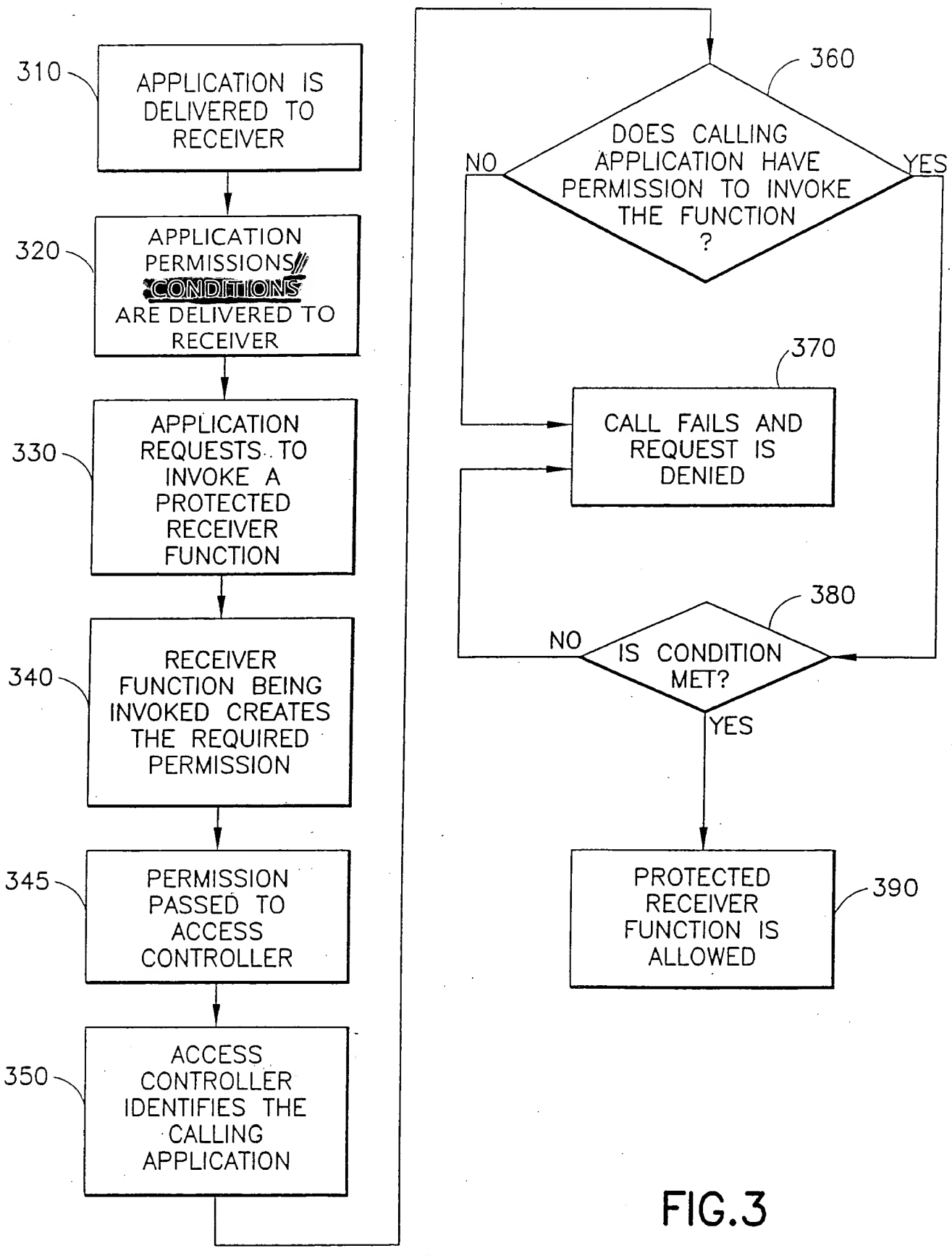

FIG.3